

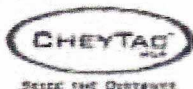
ESTTA Tracking number: **ESTTA707463**

Filing date: **11/09/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92060464
Party	Defendant Cheytac USA LLC
Correspondence Address	JERRY ROMANOFF JERRY ROMANOFF PC 4 OCEANVIEW COURT LONG BEACH, NY 11561 UNITED STATES jerry@trademark1attorney.com
Submission	Other Motions/Papers
Filer's Name	Milo S. Cogan
Filer's e-mail	milos.cogan@fisherbroyles.com
Signature	/s/Milo S. Cogan
Date	11/09/2015
Attachments	EX A through D.pdf(4426240 bytes) EXHIBIT E.pdf(2234943 bytes) Cheytac Motion to Reopen to Respond re MOTION TO GRANT CORRECT DATE OF FIRST USE.pdf(175344 bytes)

EXHIBIT "A"



Receipt

CheyTac USA

Distance-Power-Accuracy

541 Hazel Ave, Nashville, GA 31639
Phone 229.686.3219 Fax 1.888.519.5242

INVOICE: MFJUNE2011
DATE: JUNE 24, 2011

EXPIRATION DATE: JULY 2012

TO Name: Mark Fields
Address: 3116 Gideon Court
Waldorf, MD 20602
Fax:
Email: mark.l.fields@gmail.com

SALESPERSON	JOB	SHIPPING METHOD	SHIPPING TERMS	DELIVERY DATE	PAYMENT TERMS	DUE DATE
Joe	MF	Best	NA	NA	Paid in Full	Expected

QTY	ITEM #	DESCRIPTION	UNIT PRICE	DISCOUNT	LINE TOTAL
1	Rifle	.308 Win. Mag. Custom "Safeside"	\$6,000.00	\$0.00	\$6,000.00
			SUBTOTAL	\$0.00	\$6,000.00
			SHIPPING (EST)		N/A
			TOTAL		\$6,000.00

THANK YOU FOR YOUR BUSINESS!

EXHIBIT "B"

**SAFESIDE FEE
AND
DECLARATION**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

The Trademark Trial and Appeal Board

In the matter of U.S. Registration No. 4,509,171

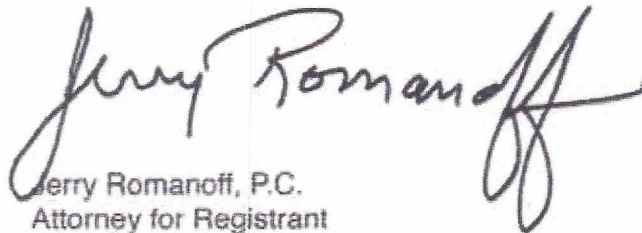
For the mark SAFESIDE

Registered on the principal registration on April 8, 2014

This is in response to your request for the fee and a Declaration in the above matter.

Both the fee and Declaration are enclosed.

Respectfully submitted this 15th day of March 2015



Jerry Romanoff, P.C.
Attorney for Registrant

Jerry Romanoff, Esq.
4 Oceanview Court
Long Beach, New York 11561

Tel: 516-889-4808
Cell: 914-715-0444
jerry@trademark1attorney.com

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Credit Card Payment Form

(Do not submit this form electronically via EFS-Web)

Please Read Instructions before Completing this Form

Credit Card Information			
Credit Card Type:	<input type="checkbox"/> Visa	<input type="checkbox"/> MasterCard	<input checked="" type="checkbox"/> American Express <input type="checkbox"/> Discover
Credit Card Account #:	3767 430287 54001		
Credit Card Expiration Date (mm/yyyy):	10/2019		
Name as it Appears on Credit Card:	GERALD ROMANOFF		
Payment Amount (US Dollars): \$			
Cardholder Signature:	<i>Gerald Romanoff</i>		Date (mm/yyyy): 2/15/2015
<small>The USPTO does not accept an s-signature (37 CFR 1.4(e)) on credit card payment forms. Refund Policy: The USPTO may refund a fee paid by mistake or in excess of that required. A change of purpose after the payment of a fee will not entitle a party to a refund of such fee. The USPTO will not refund amounts of \$25.00 or less unless a refund is specifically requested and will not notify the payor of such amounts (37 CFR 1.26). Refund of a fee paid by credit card will be issued as a credit to the credit card account to which the fee was charged. Maximum Daily Limit: There is a \$49,999.99 daily limit per credit card account. There is no daily limit for debit cards.</small>			
Credit Card Billing Address			
Street Address 1:	4 OCEANVIEW COURT		
Street Address 2:			
City:	LONG BEACH		
State/Province:	NEW YORK	Zip/Postal Code:	11561
Country:	USA		
Daytime Phone #:	914-715-0444	Fax #:	516-859-4193
Request and Payment Information			
Description of Request and Payment Information:			
<input type="checkbox"/> Patent Fee	<input type="checkbox"/> Patent Maintenance Fee	<input checked="" type="checkbox"/> Trademark Fee	<input type="checkbox"/> Other Fee
Application No.	Application No.	Application No.	IDON Customer No.
Patent No.	Patent No.	Registration No. 4509171	
Attorney Docket No.		Identify or Describe Mark SAFE610C AMENDMENT	

If the cardholder includes a credit card number on any form or document other than the Credit Card Payment Form or submits this form electronically via EFS-Web, the United States Patent and Trademark Office will not be liable in the event that the credit card number becomes public knowledge.

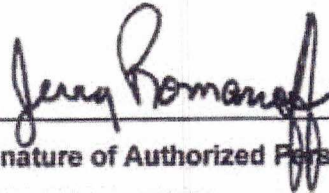
JERRY ROMANOFF, P.C.
Attorney-at Law

U.S. REGISTRATION NUMBER 4509171

REGISTRANT: CHEYTAC USA. LLC

DECLARATION UNDER 37 C.F.R. SEC. 2.20


The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statement may jeopardize the validity of the document, declares that he is properly authorized to execute this document on behalf of the owner, and all statements made of his own knowledge are true and that all statements made on information and belief are believed to be true.

A handwritten signature in cursive script, appearing to read "Jerry Romanoff", is written over a horizontal line.

Signature of Authorized Person
JERRY ROMANOFF

FEB. 15, 2015

EXHIBIT "C"

Case Id
85839213Document Description
2. Paper Correspondence IncomingMail/Create Date
Feb. 18, 2015 \$15 to C2 10
Yesterday, 8:45 AM
Completed
Later
PREV DOC 1 of 2 NEXT PAGE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
The Trademark Trial and Appeal Board

In the matter of U.S. Registration No. 4,508,171

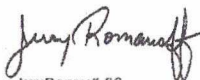
For the mark SAFESIDE

Registered on the principal registration on April 8, 2014

This is in response to your request for the fee and a Declaration in the above matter.

Both the fee and Declaration are enclosed.

Respectfully submitted this 15th day of March 2015



Jerry Romanoff, P.C.
Attorney for Registrant

Jerry Romanoff, Esq.
4 Oceanview Court
Long Beach, New York 11561

Tel: 516-866-4808
Cell: 914-715-0444
jerry@trademark1attorney.com


U.S. PATENT AND TRADEMARK OFFICE
02-18-2015
AS MAIL OF 4/18/2015 BY MAIL ROOM

EXHIBIT "D"

Case Id
85839213

Document Description
1. Notation to File

Mail/Create Date
Feb. 20, 2015

 \$15 to C2 10
Yesterday, 8:45 AM

Complete
Later

NOTE TO THE FILE

SERIAL NUMBER: 85839213

DATE: 02/20/2015

NAME: tgray

NOTE:

Searched:

☐ Google
☐ Lexis/Nexis
☐ OneLook
☐ Wikipedia
☐ Acronym Finder
☐ Other:

Discussed ID with:

☐ Senior Atty
☐ Managing Atty

☐ Protest evidence reviewed

Checked:

☐ Geographic significance
☐ Surname
☐ Translation
☐ ID with ID/CLASS mailbox

Discussed Geo. Sig. with:

☐ Senior Atty
☐ Managing Atty

☐ Checked list of approved Canadian attorneys and agents

Discussed file with

Attorney/Applicant via:

<input checked="" type="checkbox"/> phone	<input type="checkbox"/> Left message with
<input type="checkbox"/> email	<input type="checkbox"/> Attorney/Applicant
<input type="checkbox"/> Requested Law Library search for:	<input type="checkbox"/> Issued Examiner's Amendment and entered changes in TRADEUPS
<input type="checkbox"/> PRINT <input type="checkbox"/> DO NOT PRINT	<input type="checkbox"/> Added design code in TRADEUPS
<input type="checkbox"/> Description of the mark	<input type="checkbox"/> Re-imaged standard character drawing
<input type="checkbox"/> Translation statement	<input type="checkbox"/> Contacted TM MADRID ID/CLASS about misclassified definite ID
<input type="checkbox"/> Negative translation statement	
<input type="checkbox"/> Consent of living individual	
<input type="checkbox"/> Changed TRADEUPS to:	

☒ OTHER: The Communication filed on 2/18/15 will be noted. However, the payment of \$100 is not a requirement and will be refunded in due course.

EXHIBIT "E"

The June 24, 2011, invoice attached as Exhibit F to Registrant's Motion to Reopen Time To Respond to the Board's Order On Registrant's Motion to Grant Corrected Date of First Use Without Consent is a true and correct copy of an invoice sent for the sale of a custom .308 win mag rifle bearing the mark SAFESIDE for which occurred in June 2011.

3.

I retained Mr. Gerald Romanoff to represent Registrant in the above-entitled matter. Mr. Romanoff had handled all matters with respect to this case up until the moment of his death.

4.

I retained Mr. Romanoff for the specific purpose of managing my Registered Trademark and relied very heavily on his experience and judgment in that regard. I am not an attorney and did not understand all of the complexities involved with Registering or defending my Registered Trademark.

5.

I did not immediately learn about Mr. Romanoff's death until approximately ten (10) days after his passing. Once I was notified about Mr. Romanoff's death, I made my best and good faith efforts to retrieve the files in this matter that were in Mr. Romanoff's custody with the assistance of Mr. Mark Sterns, a non-trademark attorney who at the time was serving as corporate counsel for CheyTac USA, LLC.

6.

From the time of Mr. Romanoff's passing until October 2015, CheyTac USA, LLC, was undergoing a dramatic company-wide organizational restructuring.

//

//

7.

Due to circumstances surrounding Mr. Romanoff's death and burial services, it took over a month to retrieve the files, but once they were obtained, I immediately sought referrals to other suitable attorneys who could serve as substitute counsel in this matter.

8.

After the time I recovered the files, I spent a considerable amount of time and effort attempting to locate and retain a suitable replacement for Mr. Romanoff.

9.

One of the many actions I took to locate substitute counsel was requesting Mr. Sterns to assist me in locating suitable substitute counsel as quickly as possible. Unfortunately, on this matter as well as on other unrelated matters, Mr. Sterns did not provide the assistance I had requested.

10.

The combination of this lack of assistance and the company-wide organizational restructuring added significant challenges, financial limitations, and unavoidable delays to my ability to find and retain suitable substitute counsel.

11.

I was never served with the Board's order dated June 5, 2015, removing from consideration our request to correct the date of first use to June 24, 2011, and reinstating proceedings, including the schedule of dates and deadlines contained in that order. As far as I was aware, until the beginning of

November 2015, I believed in good faith that the proceedings in the case were suspended and in the same posture as they had been during the time before my attorney Mr. Romanoff passed away.

12.

I was never served with Petitioner's Motion for Summary Judgment or any other document in this case after Mr. Romanoff passed away. I do not know for sure, but I suspect that Petitioner may have continued sending its documents, filings and other correspondence to Mr. Romanoff's office even after his death. I am not aware whether Petitioner or its attorney knew about Mr. Romanoff's death and, if so, when they learned about it.

13.

Based on my conversations with Mr. Romanoff, I was confident in the strength of my case and wanted to maximize the chances of a successful outcome by entrusting it to an equally capable attorney. Although it took longer than I had hoped for the reasons mentioned above, I was finally able to find a substitute attorney that I am confident can serve as a capable replacement for Mr. Romanoff.

14.

Now that I have found a replacement attorney, I respectfully and earnestly request the opportunity to reengage the case in the same position that my former attorney Mr. Romanoff left it so that my rights and this claim may be resolved on their merits and not on a technicality or the misfortune of my attorney's death or the misprocessing of any of our fees or submissions.

Executed at NASHVILLE GA 3/6/39, Georgia

Date: November 9, 2015 By: David McCutcheon

David McCutcheon, President

SAFESIDE TACTICAL, LLC)
)
)
 Petitioner,)
 v.) Processing No. 92060464
)
 CHEYTAC USA, LLC) Registration No. 4,509,171
)
 Registrant.)
)
)

Registrant CheyTac USA, LLC, hereby moves to Reopen Time to Respond to the Board's Order on Registrant's Motion to Grant Correspondence of First Use Without Consent, and shows as follows:

Registrant submitted a Section 7 request to the USPTO to correct the date of first use in commerce as June 24, 2011, and this was done before Petition seeking cancellation was filed on December 1, 2014. The correction of first use to 2011, if allowed, is a complete defense to the Petition seeking cancellation. After the Petition was filed, on or about January 15, 2015, Registrant filed a Motion To Grant Corrected Date of First Use Without Consent. Petitioner responded to that motion. Registrant filed its Reply in Support of Registrant's Motion to Grant Corrected Date of First Use Without Consent on or about February 9, 2015.

1

On February 18, 2015, Registrant submitted the items required for correction to the USPTO in order to cure the deficiencies identified in the February 9, 2015 order. A true and correct copy of the same is attached hereto as Exhibit “A.” Registrant’s counsel, Jerry Romanoff (“Romanoff”), included a cover letter explaining the content of the submission and its purpose: “This is in response to your request for a fee and a Declaration in the above matter. Both the fee and Declaration are enclosed.” (*Id.*) The letter was dated by Romanoff in error as March 15, 2015.

According to the “Documents” tab of the USPTO Trademark Status and Document Retrieval portal, located at web address <https://tsdr.uspto.gov/>, there are two entries on the Trademark Documents log dated February 18, 2015, and February 20, 2015, respectively. The February 18, 2015 entry is labeled with the hyperlink “Paper Correspondence Incoming.” Clicking on the link reveals that Romanoff’s filing in response to the Board’s February 9, 2015 order was received and filed with the USPTO. See, Exhibit “B.”

Similarly, the February 20, 2015, entry is labeled with the hyperlink “Notation to File.” Clicking on the link reveals Registrant’s fee referenced in the February 9, 2015, order was paid but, for unknown reasons, the fee was returned to Romanoff. See, Exhibit “C.” Indeed, the Note, which was generated by “tgray” indicates at the bottom that “The Communication filed on 2/18/15 will be noted. However, the payment of \$100 is not a requirement and will be refunded in due course.” See, Exhibit “D.” Registrant expressly requests the Board take notice of the contents of the USPTO Status and Document Retrieval portal for this case. Accordingly, Registrant filed a timely response with the specific purpose of curing the deficiencies identified in the Board’s February 9, 2015, order but, for unknown reasons, the USPTO did not process it as a response to that order. Nothing in the TTAB docket indicates that the Board was made aware of the corrective filing.

On April 4, 2015, after the required declaration was filed and the required fee was tendered (See, Exhibits “C” and “D”), attorney for Registrant passed away. As indicated by Petitioner’s various certifications of service, all subsequent filings in June, July and August by Petitioner were sent directly to Romanoff (and not to Registrant) for months after he passed away. Registrant itself was never served with any documents or files after Romanoff’s death and remained unaware of impending deadlines. (*See* Declaration of David McCutcheon in Support, attached hereto as Exhibit “E,” ¶ 10-11.)

Indeed, as far as Registrant knew when its attorney was alive, the proceedings had been suspended with no schedule of deadlines available. The proceedings were not resumed until June 5, 2015, two months after Romanoff passed away. Registrant did not receive the notice that proceedings had been resumed and had no idea any deadlines in the case were imminent.

ARGUMENT AND CITATION OF AUTHORITY

Due to good faith excusable neglect, Registrant believes good cause exists to reopen time to respond to the Board’s February 9, 2015, order to cure deficiencies regarding Registrant’s Motion to Grant Corrected Date of First Use Without Consent following its Section 7 request. Refusal to allow Registrant the opportunity to cure the deficiencies, in light of the extremely unique circumstances of this case and in light of the fact that Registrant attempted to take the required corrective action. Such refusal would be contrary to the public policy objective of having cases resolved on their merits. Further, it would result in a windfall victory to Petitioner caused by procedural technicality: corrective action was taken but the USPTO filing was never communicated to the TTAB, the filing fee was rejected, and Romanoff died suddenly before these procedural problems could be corrected. All of these reasons were out of Registrant’s control.

A party may seek to reopen time to take a required action by filing a motion pursuant to TBMP § 509.01, subdivision (b)(1). “The movant must show that its failure to act during the time previously allotted therefor was the result of excusable neglect. See Fed. R. Civ. P. 6(b)(1)(B).” (*Ibid.*)

In determining whether a party has demonstrated excusable neglect, the Board must take into account all relevant circumstances surrounding the party’s omission or delay, including the following four factors: (1) the danger of prejudice to the non-movant, (2) the length of the delay and its potential impact on judicial proceedings, (3) the reason for the delay, including whether it was within the reasonable control of the movant, and (4) whether the movant acted in good faith. (*Pioneer Investment Services Co. v. Brunswick Associates L.P.*, 507 U.S. 380 (1993), adopted by the Board in *Pumpkin Ltd. v. The Seed Corps*, 43 USPQ2d 1582 (TTAB 1997))

Under the first factor, there is no danger of prejudice to the non-movant. Indeed, prejudice to Petitioner is not measured by the inconvenience and delay caused by the movant’s previous failure to take timely action. (*Id.*; *see also* TBMP § 509.01, subd. (b)(1).) In keeping with the public policy objective of resolving cases on their merits, the prejudice experienced by Petitioner must be more than the loss of any tactical advantage it would otherwise enjoy as a result of the delay. (*Ibid.*) Rather, prejudice exists only when it substantially affects the non-movant’s ability to litigate the case, such as the loss or unavailability of evidence or a witness. (*Id.*)

No such prejudice to Petitioner exists in this case. Allowing the reopening of time does not substantially impair the state of the evidence or availability of witnesses in this case. Likewise, under the second factor, there is no evidence before the Board that the length of the delay would have any materially negative impact on the judicial proceedings.

Generally, the third *Pioneer* factor is the most important factor. (TBMP § 509.01, subd. (b)(1)). This factor requires an examination of “the reason for the delay, including whether it was within the reasonable control of the movant.” (*Ibid.*) It is critical to note that this factor is reviewed liberally to ensure that cases can be resolved on their merits whenever possible:

Although many excusable neglect decisions which were issued prior to the Board’s 1997 *Pumpkin* decision may no longer be controlling under the somewhat more flexible excusable neglect standard set out in *Pioneer* and *Pumpkin* (e.g., decisions holding that a failure to act due to counsel’s docketing errors is, per se, not the result of excusable neglect), they nonetheless may be directly relevant to the Board’s analysis under the third *Pioneer* excusable neglect factor.

(TBMP § 509.01, subd. (b)(1))

The third factor of excusable neglect is satisfied in this case for two reasons. First, Registrant satisfied the statutory requirements of the Board’s February 9, 2015 order by submitting the required fee and declaration on February 18, 2015, thereby curing all deficiencies within the original thirty (30) day period prescribed. This fact is evidenced by the USPTO records, as described above, on the entries dated February 18, 2015, and February 20, 2015, in the “Documents” tab of the Trademark Trial and Appeal Board’s Trademark Status and Document Retrieval portal. Registrant’s fee and document submission were received by the USPTO. However, the submissions were noted in the file and the fee was returned. Apparently, the filing was never communicated to the TTAB. Thus, the Board’s resultant action removing the matter from consideration on June 5, 2015, should not have occurred. Second, Registrant was never served with any of the documents or filings in this case after Romanoff’s death on April 4, 2015. Accordingly, Registrant was unaware that the Board had resumed the proceedings and that it had issued a revised trial schedule on or about June 5, 2015, and was unaware that Petitioner had filed a motion for summary judgment on or about August 26, 2015. (Exhibit E, ¶¶ 10-12.)

The fourth and final factor of excusable neglect is satisfied because Registrant acted in good faith. As stated above, Registrant's attorney died on April 4, 2015, two months prior to the June 5, 2015, determination by the Board. The Board announced the resumption of proceedings in its June 5, 2015 letter. Registrant did not receive that letter at the time that it was issued and, as far as it was aware, the proceedings were still in the same state of suspension that it had been at the time Romanoff had last handled the case. (Exhibit E, ¶ 10.)

Similarly, Petitioner filed documents in July and August and served those documents by mailing and emailing them to Romanoff, who had been buried by the end of April and obviously could not respond or inform his client of the impending deadlines. In the meantime, Registrant made good faith efforts to secure alternative counsel in spite of significant obstacles. (Exhibit E, ¶¶ 5-9)

Indeed, Romanoff's death occurred while Registrant was in the midst of a company-wide organizational restructuring that added significant challenges, financial limitations, and unavoidable delays to its ability to find and retain suitable substitute counsel. (*Ibid.*) Moreover, Registrant's president David McCutcheon is not an attorney and he believed that the matter was still in a state of suspension, and did not understand or appreciate that there were any impending deadlines. (Exhibit E, ¶ 10.)

Regardless, the record indicates that Registrant's matter should not have been removed from consideration by the Board on June 5, 2015 in the first place. If the fee and declaration submitted by Registrant had been properly processed (and communicated to the TTAB) at the time that they were submitted to the USPTO, the instant motion would not be necessary. Thus, although Registrant's delay was prolonged, failing to allow it to correct processing error that caused it timely response to the February 9, 2015 order to be rejected would amount to injustice. In such unique situations, to

avoid results that are contrary to public policy, the Director is empowered with the express authority to prevent such an injustice from occurring pursuant to Trademark Rule 2.148.

Finally, Registrant remains steadfast in its pursuit of this matter and believes there is a strong likelihood that it will ultimately prevail on the merits for the following reasons:

- a. Registrant is the owner of the trademarked name “SAFESIDE” (“Registrant’s Mark”) pursuant to its Application filed on or about February 2, 2013, and the Trademark issued on April 18, 2014;
- b. Registrant’s First Use in commerce of Registrant’s Mark occurred on June 24, 2011. A true and correct copy of the June 24, 2011, invoice demonstrating First Use is attached hereto as Exhibit “F”, the content of which is verified to be true and correct in Paragraph 2 of the Declaration of David McCutcheon in Support attached hereto as Exhibit “E;”
- c. On November 29, 2014, Registrant filed a Section 7 to Amend the Registration to correct the good faith error on the original application, which incorrectly stated first use was December 15, 2012;
- d. Petitioner filed its Petition for Cancellation after Registrant had filed its Section 7 to Amend the Registration to indicate the correct date of First Use as June 24, 2011;
- e. As stated in Paragraph 7 of Petitioner’s Opposition to Registrant’s Motion to Grant Corrected Date of First Use Without Consent, Petitioner’s First Use in Commerce of its claimed Mark was on December 2, 2012, approximately eighteen (18) months after Registrant’s First Use of its Registered Mark.

Ultimately, the entire purpose of this motion, along with the other motions Registrant has filed with the assistance of new counsel, is to emphatically plead with the Board to allow this matter

to be resolved on its merits and not permit a technical and procedural glitch result in a windfall victory to Petitioner. That result would be contrary to the facts in this case, particularly in light of the corrective filings timely filed to correct the procedural defects identified by the Board.

Finally, Trademark Rule 2.127(d) provides as follows:

(d) When any party files a motion to dismiss, or a motion for judgment on the pleadings, or a motion for summary judgment, or any other motion which is potentially dispositive of a proceeding, the case will be suspended by the Trademark Trial and Appeal Board with respect to all matters not germane to the motion and no party should file any paper which is not germane to the motion except as otherwise specified in the Board's suspension order. If the case is not disposed of as a result of the motion, proceedings will be resumed pursuant to an order of the Board when the motion is decided.

The September 10, 2015 letter from Joi Wilson, Paralegal Specialist, states that pursuant to Trademark Rule 2.127(d) that “[a]ny paper filed during the pendency of this motion which is not relevant thereto will be given no consideration.” Registrant contends that this Motion and the Board’s decision whether to allow a motion to grant a corrected date of first use is very relevant to Petitioner’s summary judgment motion, because it goes to the core of the factual issue in dispute in this cancellation action.

For the foregoing reasons, Registrant respectfully requests the Board to grant Registrant’s motion to reopen time to respond to the Board’s Order on Registrant’s Motion to Grant Correspondence of First Use Without Consent in light of Registrant’s February 18 submissions and the subsequent death of its attorney Jerry Romanoff.

Respectfully submitted, this 9th day of November, 2015.

FISHERBROYLES, LLP

/s/Milo S. Cogan

Milo S. Cogan

Georgia Bar No. 500813

4140 Roswell Rd.
Atlanta, Georgia 30342
(404) 606-1169
(404)935-0271 (fax)
Milo.cogan@fisherbroyles.com

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
The Trademark Trial and Appeal Board**

SAFESIDE TACTICAL, LLC)	
)	
)	
Petitioner,)	
v.)	Processing No. 92060464
)	
CHEYTAC USA, LLC)	Registration No. 4,509,171
)	
Registrant.)	
)	
)	
)	

CERTIFICATE OF SERVICE

This will certify that the foregoing REGISTRANT CHEYTAC USA, LLC'S MOTION TO REOPEN TIME TO RESPOND TO THE BOARD'S ORDER ON REGISTRANT'S MOTION TO GRANT CORRECTED DATE OF FIRST USE WITHOUT CONSENT was served on the following via United States mail, first class postage prepaid:

Matthew H. Swyers
The Trademark Company PLLC
344 Maple Avenue West, Suite 151
Vienna, VA 22180

This 9th day of November, 2015.

/s/Milo S. Cogan
Milo S. Cogan